



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,441	11/01/2000	Nobuyuki Kihara	450106-02418	8620

20999 7590 02/27/2006

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
----------

SHIN, KYUNG H

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/674,441

Applicant(s)

KIHARA, NOBUYUKI

Examiner

Kyung H. Shin

Art Unit

2143

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

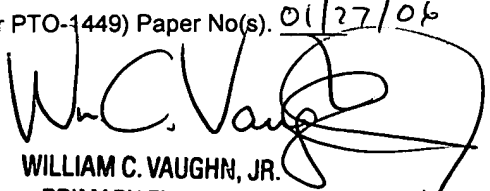
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-4, 16, 19, 20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 01/27/06  
13. ☐ Other: \_\_\_\_\_.

  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER

Continuation of 3. NOTE: Applicant canceled claim 5-15 & 17, 18 and new claims 19, 20 are added.

Continuation of 11. does NOT place the application in condition for allowance because:

1. Applicant offers no new convincing arguments in the response after final. These arguments are generally the same as previously addressed by applicant, and they were rebutted in the Final Office Action. The NEW Dependent Claims 19, 20 made by applicant do not overcome the teachings of the prior art as cited in the Final Rejection.

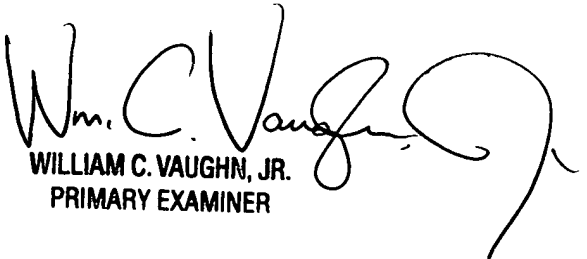
2. Applicant argues that the referenced prior art does not disclose "... storing move/copy history indicative of the movement of a particular file ..." (see Remarks Page 6, Lines 5-6)

The Stock (6,011,858) prior art discloses the storage of data. The move/copy history information is also data and can be considered a transaction. This particular data is a set of data structures consisted of multiple fields containing information concerning times, dates, filenames indicating the particular file(s) which are moved/copied utilizing this particular data structure. These data structures (i.e. transactions) encompass the history information. (see Stock col. 3, lines 1-5: file structure ; col. 4, lines 33-36; col. 4, lines 56-59: storage of data ; col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36: analogous to move/copy history information, information written (i.e. copy), revised (i.e. move), and a transaction (i.e. history) information)

3. Applicant argues that the referenced prior art does not disclose "... control means for prohibiting file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in said memory means ..." (see Remarks Page 7, Lines 6-9)

The Stock (6,011,858) prior art discloses a file directory consisting of data structures. These data structures consist of multiple fields containing information with an indication of whether it is history information. A check of the file directory can indicate whether this particular data structure exists. If no history information exists, the particular file cannot be moved/copied. (see Stock col. 3, lines 1-5: file structure ; col. 4, lines 33-36; col. 4, lines 56-59: storage of data ; col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory structure, information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

2/11/06 KHS

  
Wm. C. Vaughn, Jr.  
WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER